

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

FILED

JAN 15 2019

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEVITICUS LEE LEVERITT,

Defendant.

CR 18-19-BU-DLC

FINDINGS AND  
RECOMMENDATION  
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of the possession with the intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) as set forth in Count I of the Superseding Information, and one count of being a felon in the possession of a firearm in violation of 18 U.S.C. § 922(g)(1) as set forth in Count II of the Superseding Information. Defendant further agrees to the forfeiture allegation in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas to the criminal offenses charged against him, and an informed and voluntary admission to the allegation of forfeiture;

2. That the Defendant is aware of the nature of the charges against him and the consequences of pleading guilty to the charges;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;

4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal offenses charged against him, and admitting to the allegation of forfeiture;

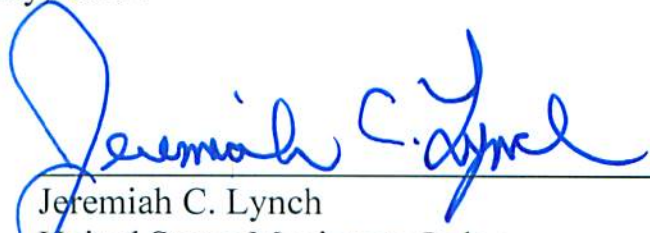
5. That both his pleas of guilty to the criminal offenses charged against him, and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are each supported by independent factual grounds sufficient to prove each of the essential elements of the criminal offenses charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I

and II of the Superseding Information, that sentence be imposed, and that the agreed forfeiture be imposed against Defendant. I further recommend that the Indictment be dismissed.

**This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.**

DATED this 15<sup>th</sup> day of January, 2019.

  
Jeremiah C. Lynch  
United States Magistrate Judge